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August 11, 2023

VIA ECF

Magistrate Judge Lehrburger
The Honorable Robert W. Lehrburger
United States District Court Southern District of New York
500 Pearl Street, Courtroom 18D
New York, NY 10007

Re: *Hafizov v. BDO USA, LLP, et al.*; Case No.: 1:22-cv-08853 (JPC) (RWL)

Dear Magistrate Judge Lehrburger:

Pursuant to the Court's Individual Rules of Practice, Defendants BDO USA, P.A. ("BDO"), Janet Bernier, and Matthew Dymont (together, the "Defendants") respectfully submit this response to Plaintiff Rinat Hafizov's ("Plaintiff") letter, dated August 11, 2023 (the "Letter").

By way of background, the present matter arises from Plaintiff's erroneous designation of over 2,500 pages' worth of text messages as Confidential under the Parties' stipulated protective order. *See* Dkt. No. 88. Plaintiff subsequently submitted a more targeted designation after being ordered to do so by this Court. *Id.* On August 8, 2023, Defendants responded to Plaintiff's proposed designations, and asked that Plaintiff submit his response regarding the disputed designations within three business days, as required by the stipulated protective order. *See* Dkt. No. 29.

On August 10, 2023, Plaintiff's counsel requested a one-week extension to respond to Defendants' letter. *See* Dkt. No. 99, Ex. 1. In the email correspondence, Plaintiff's counsel stated that it would "be useful to discuss during our upcoming meet and confer," which is scheduled to take place on August 17, 2023. *Id.* Defendants' counsel promptly responded, stating that while Defendants agreed that it would be useful to discuss the confidentiality designations during the meet and confer on August 17, the conversation would be "more productive if we are able to view your proposed redactions and written justifications for each of the documents that you continue to believe should be designated Confidential [in advance of the meet and confer]." *Id.*

There is nothing unreasonable about Defendants' position. The request to receive written justifications for Plaintiff's proposed confidentiality designations within the timeline set forth in the Parties' stipulated confidentiality order is hardly unreasonable. Indeed, it makes little sense to hold a meet and confer without the benefit of Plaintiff's justifications for the disputed confidentiality designations in advance of

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the meeting. Defendants' sole intent is to make the August 17 meet and confer as efficient and productive as possible.

Defendants believe the Parties should follow the timeline provided in the stipulated protective order. However, to the extent that the Court grants Plaintiff's request for an extension to reply to Defendants' August 8 letter, Defendants believe that the meet and confer should be rescheduled to a later date so that Defendants have a meaningful opportunity to review Plaintiff's responses and justifications for the remaining disputed confidentiality designations.

Respectfully,

A handwritten signature in blue ink, reading "Lindsay F. Ditlow". The signature is written in a cursive, flowing style.

Lindsay F. Ditlow

cc: All counsel (via ECF)